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GROUP 1700

Client-Matter Number
NEC N00-1101

March 12, 2003

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TO: Examiner
Karla A. Moore

UNITED STATES
PATENT &
TRADEMARK
OFFICE

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FROM: Norman P. Soloway, Esq.

MESSAGE:**AMENDMENT C UNDER RULE 116**

In re Appln. of: NAGAKURA
Serial No.: 09/819,516
Filed: March 27, 2001
For: AIR-TIGHT VESSEL EQUIPPED WITH GAS FEEDER ...
Group: 1763
Examiner: KARLA A. MOORE

Docket: NEC N00-1101

Received: 1. Amendment C under Rule 116 (3 pgs)

3/12/03 nm

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Assistant Commissioner for Patents
Washington, D.C. 20231**AMENDMENT B UNDER RULE 116**

Dear Sir:

This Amendment is being filed in response to the Final Action mailed January 9, 2003.

The art rejections are respectfully traversed. Considering first the rejection of claims 1-12 under 35 USC § 103(a) as being obvious over U.S. Patent No. 5,164,012 to Hattori in view of U.S. Patent No. 5,505,385 to Gengler, the Examiner's rejection is in error. While Hattori may disclose a gas treatment apparatus with an inner tube 10 and a gas feeder provided between the inner tube and a wafer boat 15 (Figure 1). Hattori does not teach a gas inlet port gradually reduced in cross-section in a predetermined direction. Furthermore, Gengler, which is an open system for textile manufacturing, does not teach this feature. While Gengler may teach a tapered inner tubular member (Figure 2), the tube described in Gengler would be functionally inappropriate if used in the gas treatment apparatus of claim 1. The apparatus of claim 1 requires a wafer boat, and a gas feeder between an inner tube and a wafer boat connected to a gas inlet port for blowing gas to the wafers. The gas feeder described in Gengler cannot accommodate a wafer boat at the upper portions of the tapered inner tubular member, and specifically is

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Serial No. 09/819,516
Docket No. NEC N00-1101
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contraindicated at pages 11-12 of Applicant's specification, in which it is described how it would be impossible to place a cone-shaped or pyramidal gas feeder inside the inner tube 3 because most of the inner space is occupied by the wafer boat 5. Thus, aside from the fact that Gengler constitutes non-analogous art, one skilled in the art would not look to combining Hattori with Gengler, since this would result in limiting the space in the apparatus for holding wafers. Thus, no combination of Hattori and Gengler would achieve Applicant's claim 1, and the rejection of claim 1 and dependent claims 2-12 as obvious from the art is in error.

Turning to the rejection of claims 13-19 under 35 USC § 103(a) as being unpatentable over Hattori and Gengler as applied to claims 1-12 above and further in view of U.S. Patent No. 5,441,570 to Hwang et al., these claims are likewise patentable over Hattori and Gengler for the reasons discussed above, as well as for their own limitations. Claim 13 is similar to claim 1 in requiring a retainer for wafers in the inner space of the apparatus, and a tapered gas feeder connected to a gas inlet port. The deficiencies of Hattori and Gengler vis-à-vis this claim combination are discussed above. Hwang et al. teaches an inlet hole at one end of a gas inlet port 11 (Figures 1-3). Hwang does not teach a gas feeder, much less one with a gas passage reducing cross-sections from one end to another end with a plurality of gas outlet holes. Thus, no combination of Hattori, Gengler and Hwang et al. reasonably could be said to achieve or render obvious claim 13, or any of the claims dependent thereon.

The foregoing Amendment makes no claim changes. Thus, the Amendment should be entered as a matter of right.

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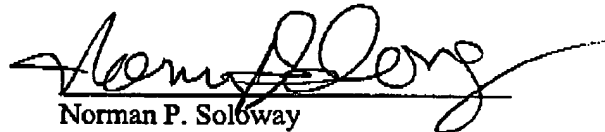
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Having dealt with all the objections raised by the Examiner, it is believed that the Application now is in condition for allowance. Early and favorable action are respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our deposit account No. 08-1391.

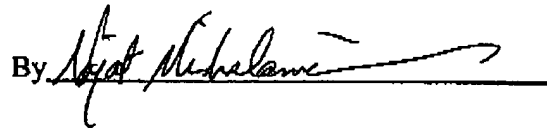
Respectfully submitted,



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I hereby certify that this correspondence is being sent via facsimile to EXAMINER KARLA A. MOORE of the United States Patent and Trademark Office at facsimile number (703) 872-9311, on March 12, 2003 from Tucson, Arizona.

By 

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